

1 XAVIER BECERRA
2 Attorney General of California
3 MYUNG J. PARK
Supervising Deputy Attorney General
3 MICHAEL S. DORSI, State Bar No. 281865
Deputy Attorneys General
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
5 Telephone: (415) 510-3802
Fax: (415) 703-5480
6 E-mail: Michael.Dorsi@doj.ca.gov

7 *Attorneys for Defendants*

GUPTA WESSLER PLLC
Deepak Gupta (*pro hac vice*)
1900 L Street, NW, Suite 312
Washington, DC 20036
(202) 888-1741
E-mail: deepak@guptawessler.com

GUPTA WESSLER PLLC
Neil K. Sawhney, State Bar No. 300130
100 Pine Street, Suite 1250
San Francisco, CA 94111
(415) 573-0336
E-mail: neil@guptawessler.com

ANIMAL LEGAL DEFENSE FUND
Alene Anello, State Bar No. 316387
525 East Cotati Avenue
Cotati, CA 94931
(707) 795-2533
E-mail: aanello@aldf.org

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12 *Attorneys for Plaintiff*

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

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17 MIYOKO'S KITCHEN, INC.,

Plaintiff,

18 v.
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KAREN ROSS, in her official capacity as
Secretary of the California Department of Food
and Agriculture, and STEPHEN BEAM, in his
official capacity as Branch Chief of the Milk
and Dairy Food Safety Branch,

Defendants.

3:20-cv-00893-RS

**STIPULATION AND
ORDER TO EXTEND DEADLINE TO
COMPLETE FACT DISCOVERY**

Courtroom: 3
Judge: Hon. Richard Seeborg

Action Filed: February 6, 2020
Trial Date: August 23, 2021

STIPULATION

WHEREAS, this Court's Initial Case Management Scheduling Order (ECF No. 51) sets February 19, 2021, as the date for the Parties to complete all non-expert discovery,

WHEREAS, the Parties proposed and the Court issued an order adopting a briefing schedule for summary judgment setting March 1, 2021 as the date for Plaintiff Miyoko’s Kitchen to file its opposition and cross-motion for summary judgment (ECF Nos. 53–54),

WHEREAS, Defendants Karen Ross and Stephen Beam seek the opportunity to review and evaluate Miyoko's cross-motion, determine whether any further discovery may be warranted, and if so, seek further fact discovery,

WHEREAS, Defendants made this request to Miyoko's and, to accommodate this request, the Parties agreed to extend the deadline to complete fact discovery to April 14, 2021,

WHEREAS, neither party intends to use this extension to collect additional information to be used in their expert disclosures, if any, and therefore do not request a change to the expert discovery deadlines or to any other deadline in the Initial Case Management Order, and

WHEREAS, Civil Local Rule 6-1(b) requires a court order when the enlargement of time would alter an event or deadline set by a prior order, therefore

THE PARTIES STIPULATE AND JOINTLY REQUEST THE COURT TO ORDER that the Initial Case Management Scheduling Order (ECF No. 51) be amended to change the date to complete fact discovery from February 19, 2021, to April 14, 2021.

Dated: February 5, 2021

Respectfully Submitted,

GUPTA WESSLER PLLC

XAVIER BECERRA
Attorney General of California
MYUNG J. PARK
Supervising Deputy Attorney General

/s/Neil K. Sawhney
NEIL K. SAWHNEY
Attorneys for Plaintiff

/s/ Michael S. Dorsi
MICHAEL S. DORSI
Deputy Attorney General
Attorneys for Defendants

As the attorney electronically filing this document, Michael S. Dorsi attests that Neil K. Sawhney concurred in the filing of this document. */s/ Michael S. Dorsi*

ORDER

2 Plaintiff Miyoko's Kitchen and Defendants Karen Ross, in her official capacity as
3 Secretary of the California Department of Food and Agriculture, and Stephen Beam, in his
4 official capacity as Branch Chief of the Milk and Dairy Food Safety Branch, (collectively,
5 "Parties"), stipulated to change the date to complete fact discovery from February 19, 2021, to
6 April 14, 2021. The Parties attested that this extension of time will not cause a need to extend
7 any other date set in the Court's Initial Case Management Order.

8 The Parties having agreed to this extension, shown good cause, and properly sought this
9 extension by a stipulated request for an order, *see* N.D. Cal. Civil Local Rules 6-1(b), 6-2, and 7-
10 12, the Court adopts the extension proposed by the Parties: on or before April 14, 2021, all non-
11 expert discovery shall be completed by the Parties.

13 PURSUANT TO STIPULATION IT IS SO ORDERED.

Dated: February 5, 2021


HON. RICHARD SEEBORG
Chief United States District Judge

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